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10/762,531	01/23/2004	Tony Hulkkonen	59643.00361	5351

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EXAMINER	
D AGOSTA, STEPHEN M	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,531	HULKKONEN ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

1. The applicant argues the prior art does not properly reject the claims (eg. there is no network element that has knowledge of the mobile's location and sends an "disable communications" command"). First and foremost, the ability to locate a mobile unit is well known and can be determined by either the network or mobile itself. The examiner's prior art clearly shows that both the mobile and/or network can determine the location and disable communications (Sagers shows the network sending a disable command prior to the user reaching a Hazardous Area).

2. The applicant's broad use of the term "network element" do not limit the examiner's interpretation, hence at least Sagers teaches a "dispatch center" which has various components/elements which determines the mobile location and disable communications appropriately.

3. The applicant alludes to hindsight being used (page 23), the examiner disagrees since the prior art clearly combines to read on the claims and motivation if found in the prior art (see columns/lines cited).

4. The applicant puts forth their own interpretation of their claims and relates it to the art, eg. "..T*o put it another way, Sagers is interested in locations from which the mobile station is not allowed to transmit, as opposed to areas (of, for example, a network) that the mobile station is allowed to access*" (see page 24). This is a narrow interpretation as put forth by the applicant in the hopes of overcoming the prior art, but it fails. The claims do not empirically define what a network can/can't be, eg. the examiner broadly views the "network access" as being connecting to a mobile cellular network and NOT as the applicant interprets it as a "network". Until the applicant further defines this salient point, the examiner will hold to his broad interpretation (eg. that limiting the mobile's access in a specific location, fully reads on limiting the mobile's

access to "a network". Put another way, the applicant's "interpretation" is not found in the claim(s) and is therefore given no weight.

5. Regarding the argument against Choi (claims 42-43), the applicant is attacking the references individually and not in a combined (USC 103) manner. Choi is used to merely address the fact that the prior art would pertain even if a relocation event (as per Choi) is proceeded with.

6. It is the examiner's position that the claims should be further amended such that the broad terms/concepts put forth in the claims are better defined such that they do not read on the prior art (when a reasonable broad interpretation is used).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-42 and 45-47 rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren et al. US 6,775,534 and further in view of Sagers et al. US 5,442,805 and Kowaguchi US 6,201,973.

As per **claims 1, 18-20 and 35 and 46-47,** Lindgren teaches a method comprising;

Supporting emergency calls in a mobile network (abstract teaches a radio telecommunications system that allows a mobile to make an emergency call) said network comprising a network element (figure 1 shows a mobile system and it inherently comprises "network elements/components"), the method comprising:

receiving a network access from a user equipment (C1, L15-20 teaches a "call request");

receiving network access information relating to said user equipment (Abstract teaches the mobile indicating that it is attempting to make an emergency call while C2,

L60-65 teaches authenticating the mobile device which requires information from the mobile device, eg. ESN, Phone Number, etc.. The amendment is broadly written and thus broadly interpreted).

selectively controlling access to the network in dependence on said network access information (C1, L15-20 teaches "situations in which a call request may not be allowed"); and

disabling the step selectively controlling access the network for an emergency call network access (C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed");

but is silent on said network access information indicating the areas the user equipment is allowed to access the network element receive user information/location data.

Sagers teaches a method of inhibiting radio communications based on location whereby the dispatch center sends a message to the device (eg. based on it's location) which turns off/on the device (C3, L56 to C4, L34, specifically C4, L5-8). The examiner also notes that **Kowaguchi** teaches a mobile device that can determine it's own location and then use an inhibit table to turn itself Off/On (Abstract), eg. no "network access information" is needed to be received from the network.

The examiner notes that Sagers teaches a dispatch center which can determine the mobile's location and determine if network access should be enabled/disabled.

With further regard to claims 18-19, Lindgren shows in figures 1-4 the operational procedures that are performed in hardware and software (which reads on a computer program and code).

With further regard to claim 20, Lindgren shows various network element(s) required to support the operational procedures of his invention (see figures 1-4).

With further regard to claims 35 and 46-67, Lindgren teaches access and core networks (see figure 1) and the various steps as outlined above.

It would have been obvious to one skilled in the art at the time of the invention to modify Lindgren, such that network access information indicating the areas the user is

allowed to access is received, to provide means for turning off/on the phone based on the user's location.

As per **claims 2 and 21,** Lindgren teaches claim 1/20 wherein said receiving step includes receiving the network access information that comprises network area access information (C2, L41-53 teaches the mobile phone contacting the cellular network, via PDP Context Request message, which will inherently provide impetus for the cellular network to determine the location/network area access information, in order to provide an RF bearer channel. Lindgren states that the PDP activation includes "requested bandwidth, delay and other quality of service parameters").

As per **claims 3 and 22,** Lindgren teaches claim 1/20 further including the step of determining said network access comprises an emergency call (C2, L54-59 teaches the activation message includes an indication that the call is an emergency call).

As per **claims 4, 23 and 37,** Lindgren teaches claim 3/22/35 wherein the step determining said network access an emergency call includes receiving an indication type call (C2, L54-59 teaches the activation message includes an "indication" that the call is an emergency call).

As per **claims 5 and 24,** Lindgren teaches claim 4/23 further including the step of receiving the indication of the type of network access from the user equipment or from the network (figure 1 shows the message flows from/to mobile in order for the emergency call setup to occur, which reads on the claim).

As per **claims 6 and 25,** Lindgren teaches claim 1/20, wherein said selectively controlling step includes selectively controlling the network which comprises an access network and a core network (figure 1 shows call setup control thru/via the RNC and SGSN/GGSN, which is interpreted as access/core networks).

As per **claims 7 and 26,** Lindgren teaches claim 6/25, wherein the steps of controlling and disabling the access to the network are performed in the access network (see figure 1).

As per **claims 8 and 27,** Lindgren teaches claim 6/24 further comprising determining if said network access is an emergency call in dependence on receipt of an indication of the type of network access from the core network (see figure 1 and C2, L54-59).

As per **claims 9 and 28,** Lindgren teaches claim 5/24 further comprising a step of activating the step disabling the step selectively controlling access to the network, wherein said activating step activates on receipt of indication of the type of network access being the emergency call (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

As per **claims 10 and 29,** Lindgren teaches claim 1/20 further comprising detecting network access initiation, and, responsive thereto, disabling the step selectively controlling access to the network (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

As per **claims 11, 30 and 40,** Lindgren teaches claim 10/29/39 wherein said step includes disabling for a predetermined disabling time period (C1, L15-20 teaches "situations in which a call request may not be allowed", including having an unpaid bill which would have a predetermined disabling time until said bill is fully paid and then service is restored).

As per **claims 12, 31 and 39,** Lindgren teaches claim 10/28/38 further comprising a step detecting establishment a radio access bearer, and responsive thereto activating step disabling the step selectively controlling access the network for an emergency network access (C1, L15-20 teaches "situations in which a call request may not be allowed" AND C1, L40-45 teaches "allowing special treatment of emergency calls, so that such a call can be successful even though another voice call would not be allowed").

As per **claims 13 and 41,** Lindgren teaches claim 12/39, further comprising activating the step of disabling the step of selectively controlling access to the network only for the emergency call network access associated with that radio access bearer (C2, L8-59 teaches a mobile within a specified network which will control access to said mobile depending upon if an emergency call is made and thereby supported via a radio access bearer, see L41-59. Also see C3, L59-67 which discusses "setting up voice bearers" to carry emergency voice call).

As per **claim 14,** Lindgren teaches claim 10, further comprising terminating said disabling step responsive to a control signal (C1, L15-23 and C2, L41-59).

As per **claims 15 and 31-32,** Lindgren teaches claim 6/28 further comprising the step receiving the network access information from the core network (see figure 1 and (C1, L15-23 and C2, L41-59).

As per **claims 16, 33, 36 and 42,** Lindgren teaches claim 1/20/35/35 further comprising the step of detecting termination of an emergency call, and, responsive thereto, the step of enabling the means for selectively controlling access to the network (C1, L15-23 and C2, L41-59 teaches selectively allowing access to a mobile user for emergency calls. Hence after an emergency call is made, the user will be denied access for normal phone calls that are not emergencies).

As per **claims 17, 34 and 45,** Lindgren teaches claim 1/26/35 further comprising the step providing the method 3GPP mobile communication system and/or a RAN (C1, L23-32 and C2, L60-65 teach 3rd generation networks. See figure 1 for RNC in the RAN network elements).

As per **claim 38,** Lindgren teaches claim 36 wherein the means identifying request emergency call comprises input means for receiving an emergency indicator from the core network (C2, L35-40 teaches the user dialing/inputting "911" and the network analyzing these numbers and reacting accordingly, eg. routing the phone call).

Claims 43-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren/Sagers/Kowaguchi and further in view of Choi et al. US 6,594,492.

As per **claims 43-44,** Lindgren teaches claim 35 **but is silent on** further including means for receiving an indication of emergency call on relocation call to access network AND/OR further including means transmitting an indication the emergency call on relocation of the call another access network.

The primary examiner notes that Lindgren does discuss the fact that the user may be roaming (C5, L12-22) and determining the "identity of the locally geographic VoIP call server that should receive the forthcoming call control signals from the mobile phone" which suggests Lindgren does understand that the location of the mobile user is important and must be determined. Also, since the call is an emergency call, a handover (eg. relocation of the call to another network) must be supported as well.

Sagers teaches a method of inhibiting radio communications based on location whereby the dispatch center sends a message to the device (eg. based on it's location) which turns off/on the device (C3, L56 to C4, L34, specifically C4, L5-8). The examiner also notes that **Kowaguchi** teaches a mobile device that can determine it's own location and then use an inhibit table to turn itself Off/On (Abstract), eg. no "network access information" is needed to be received from the network.

Choi teaches handing off an emergency call (C6, L42-53):

"...Reference is now made to FIG. 5 wherein there is shown a message flow and network operation diagram illustrating use of an information request message in accordance with the present invention to request call related information following inter-exchange hand-off of an emergency services call. An emergency services call (e.g., a 911 call) 500 is currently in existence and has proceeded through a completed inter-exchange hand-off.

Thus, both a serving exchange 502 and an anchor exchange 504 are implicated in handling the call 500 between a mobile station 506 and an emergency services center 508..."

It would have been obvious to one skilled in the art at the time of the invention to modify Lindgren, such that it includes means for receiving an indication of emergency call on relocation call to access network AND/OR further including means transmitting an indication the emergency call on relocation of the call to another access network, to provide means for supporting the emergency call during relocation/handoff.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER

2-2-07